

GENERAL ORDERS, }
No. 49. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, February 28, 1863.

1.. The following rules in regard to paroles, established by the common law and usages of war, are published for the information of all concerned:

1. Paroling must always take place by the exchange of signed duplicates of a written document, in which the name and rank of the parties paroled are correctly stated. Any one who intentionally misstates his rank, forfeits the benefit of his parole, and is liable to punishment.

2. None but commissioned officers can give the parole for themselves or their commands, and no inferior officer can give a parole without the authority of his superior, if within reach.

3. No paroling on the battle-field; no paroling of entire bodies of troops after a battle; and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

4. An officer who gives a parole for himself or his command on the battle-field, is deemed a deserter, and will be punished accordingly.

5. For the officer, the pledging of his parole is an individual act, and no wholesale paroling by an officer, for a number of inferiors in rank, is permitted or valid.

6. No non-commissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individual giving them to the punishment of death as deserters. The only admissible exception is where individuals, properly separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

7. No prisoners of war can be forced by the hostile government to pledge his parole, and any threat or ill-treatment to force the giving of the parole, is contrary to the law of war.

8. No prisoner of war can enter into engagements inconsistent with his character and duties as a citizen and a subject of his State. He can only bind himself not to bear arms against his captor for a limited period, or until he is exchanged, and this only with the stipulated or

implied consent of his own government. If the engagement which he makes is not approved by his government, he is bound to return and surrender himself as a prisoner of war. His own government cannot at the same time disown his engagement and refuse his return as a prisoner.

9. No one can pledge his parole that he will never bear arms against the government of his captors, nor that he will not bear arms against any other enemy of his government, not at the time the ally of his captors. Such agreements have reference only to the existing enemy and his existing allies, and to the existing war, and not to future belligerents.

10. While the pledging of the military parole is a voluntary act of the individual, the capturing power is not obliged to grant it, nor is the government of the individual paroled bound to approve or ratify it.

11. Paroles not authorized by the common law of war, are not valid till approved by the government of the individual so pledging his parole.

12. The pledging of any unauthorized military parole is a military offence, punishable under the common law of war.

II. This order will be published at the head of every regiment in the service of the United States, and will be officially communicated by every General commanding an army in the field to the Commanding General of the opposing forces, and will be hereafter strictly observed and enforced in the armies of the United States.

BY ORDER OF MAJOR GENERAL H. W. HALLECK :

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.

